

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

20-mj-1010

BRANDON KIDDER,

Defendant.

NOTICE OF MOTION AND MOTION

THE UNITED STATES OF AMERICA, by and through its attorney, James P. Kennedy, Jr., United States Attorney for the Western District of New York, CAITLIN M. HIGGINS, Assistant United States Attorney, hereby moves the Court for an extension of the Rule 48(b) dismissal set for March 8, 2021, for the reasons set forth in the attached declaration.

DATED: Buffalo, New York, April 13, 2021.

JAMES P. KENNEDY, JR.
United States Attorney

BY: /S CAITLIN M. HIGGINS
CAITLIN M. HIGGINS
Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
716/843-5818
Caitlin.Higgins@usdoj.gov

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Defendant.

DECLARATION

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

CAITLIN M. HIGGINS, being duly sworn, deposes and states:

1. I am an Assistant United States Attorney for the Western District of New York and assigned to my office's file regarding this action. This affidavit is submitted in support of the government's motion for an extension of the Rule 48(b) dismissal set for April 22, 2021.

2. On March 1, 2021, the Court set a Federal Rules of Criminal Procedure Rule 48(b) dismissal date for April 22, 2021.

3. Since that date, the government and the defense have engaged in meaningful pretrial negotiations. In order to allow the parties to finalize negotiations, to permit defense

counsel to discuss the plea in detail with the defendant, and give the opportunity to schedule this matter for a plea, we are requesting that the Rule 48(b) date be extended to June 21, 2021.

4. Counsel for defendant, Dominic Saraceno, Esq. also stated to your affiant that the defendant joins in both the request for the adjournment and exclusion of time pursuant to the Speedy Trial Act.

5. Since the parties expect to have the matter scheduled for a plea in the near future, speedy trial time in this matter should be excluded to afford the parties a reasonable opportunity to schedule this matter for a plea. The public's interest in conserving resources by avoiding the unnecessary use of the grand jury, the time and expense of both a trial and a likely appeal, combined with the certainty of conviction that will be obtained through a plea of guilty by the defendant, outweigh the public's interests in a speedy trial. Furthermore, the defendant's interest in obtaining the benefit of a lesser sentence which will likely accompany the pretrial disposition of this matter outweigh the interests of the defendant in a speedy trial. Based on the foregoing representations, the exclusion of time in this matter is in the interest of justice and not contrary to the interests of the public and the defendant in a speedy trial pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

WHEREFORE, it is respectfully requested that the Rule 48(b) dismissal date be set for June 21, 2021, and that the time from and including April 22, 2021, to and including April June 21, 2021, be excluded from the Speedy Trial Act.

/S CAITLIN M. HIGGINS

CAITLIN M. HIGGINS
Assistant United States Attorney
United States Attorney's Office
Western District of New York
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Buffalo, New York 14202
716/843-5818
Caitlin.Higgins@usdoj.gov